

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSHUA TODD KANE,

Plaintiff,

v.

NANCY A. BERRYHILL,<sup>1</sup>

Defendant.

CASE NO. C16-1624-JCC-JPD

ORDER

This matter comes before the Court on the parties' stipulated motion for remand (Dkt. No. 16). Having thoroughly considered the parties' stipulation, the Court hereby GRANTS the motion.

It is hereby ORDERED that the Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an administrative law judge (ALJ), a new hearing, and a new decision. On remand, the ALJ will update the record as necessary; reevaluate the medical opinion evidence; reassess Plaintiff's residual functional capacity; and continue with the

---

<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 remaining steps of the sequential evaluation, obtaining supplemental vocational expert  
2 testimony, as necessary.

3 The Court hereby REVERSES the Commissioner's decision under sentence four of 42  
4 U.S.C. § 405(g) with a REMAND of the cause to the Commissioner for further proceedings.  
5 Plaintiff may be awarded reasonable attorney fees and costs pursuant to the Equal Access to  
6 Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

7  
8 DATED this 30th day of March, 2017.

9  
10  
11 

12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26